IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Collet et al.
Serial No.: 10/822,432
Filed: April 12, 2004
For: Method and System Enabling the Cancellation of a Previously-Sent E-Mail Message
Dkt. No.: FR920030018US1
Conf. No.: 2549
Examiner: Madamba, G.
Art Unit: 2151

Mail Stop Appeal Brief - Patents
Commissioner for Patents
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BRIEF OF APPELLANTS

This is an appeal from the Final Rejection dated March 6, 2008, rejecting

claims 1-16. This Brief is accompanied by the requisite fee set forth

in 37 C.F.R. 1.17 (c).

REAL PARTY IN INTEREST

International Business Machines Corporation is the real party in interest.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

As filed, this case included claims 1-16. Claims 1-16 remain pending, stand rejected, and form the basis of this appeal.

STATUS OF AMENDMENTS

An After-Final Response, filed on May 6, 2008 in response to the Final Action dated March 6, 2008, did not result in the allowance of the claims.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a system (independent claim 1) and process (independent claim 4) cancelling a previously sent e-mail, only if none of the recipients of the e-mail has read the e-mail.

The system for cancelling a previously sent e-mail (independent claim 1) includes: a data transmission network (e.g., Internet 12, FIG. 1; page 6, lines 19-22), wherein a plurality of users (e.g., USERS 14, 16, 18, FIG. 1; page 6, lines 19-22) are connected to the network, each of the users being able as a sender (e.g., USER 10, FIG. 1; page 7, lines 1-5) to send an e-mail over the network to a plurality of users as recipients connected to the network, and wherein a message transfer agent (MTA) (e.g., MTA 20, 22, 24, FIG. 1; page 7, lines 1-12) is associated with each of the users for sending the e-mail when the user acts as a sender and delivering the e-mail when the user acts as a recipient. Each MTA includes a cancel mailbox (e.g., CANCEL MBX 26, 28, 30, FIG. 1, page 7, lines 13-21) for transmitting a cancellation message (e.g., DELETE, FIG. 2; page 7, lines 13-21, lines 22-30) to the recipients when the user

associated with the MTA is a sender wanting to cancel a previously-sent e-mail or for managing the cancellation of e-mails in the mailbox of the user associated with the MTA upon receiving the cancellation message from the sender when this user is a recipient. The cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the e-mail, and is configured to not delete the e-mail when any of the recipients has read the e-mail (e.g., SUSPEND OK, DELETE PENDING, DELETE OK, FIG. 2; page 8, lines 1-5, lines 10-22).

The process for canceling a previously-sent e-mail (independent claim 4) in a system comprising a data transmission network (e.g., Internet 12, FIG. 1; page 6, lines 19-22), wherein a plurality of users (e.g., USERS 14, 16, 18, FIG. 1; page 6, lines 19-22) are connected to the network, each of the users being able as a sender (e.g., USER 10, FIG. 1; page 7, lines 1-5) to forward an e-mail over the network to a plurality of users as a recipients connected to the network, and wherein a message transfer agent (MTA) (e.g., MTA 20, 22, 24, FIG. 1; page 7, lines 1-12) is associated with each of the users for sending the e-mail when the user acts as a sender and delivering the e-mail when the user acts as a recipient. The process includes: sending from the sender a message for deleting the e-mail to a cancel mailbox (e.g., CANCEL MBX 26, 28, 30, FIG. 1, page 7, lines 13-21) included in the sender MTA; sending from the cancel mailbox included in the sender MTA a message (e.g., DELETE, FIG. 2; page 7, lines 13-21, page 7, lines 22-30) to a cancel mailbox included in each MTA respectively associated with the recipients being addressed in the e-mail in order to inform the recipients that the e-mail has to be deleted if it is not yet read; sending from the cancel mailboxes of the MTAs respectively associated with the recipients a message

requesting that the e-mail has to be masked only if it has not yet been read, and deleting the masked e-mail only when none of the recipients has read the e-mail, and not deleting the masked e-mail when any of the recipients has read the e-mail (e.g., SUSPEND OK, DELETE PENDING, DELETE OK, FIG. 2; page 8, lines 1-5, lines 10-22).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(1)   Whether claims 1-16 are unpatentable under 35 U.S.C. 103(a) over Nielsen (U.S. Patent No. 5,870,548 and Leonard et al. (U.S. Patent No. 6,721,784), hereafter "Leonard."

ARGUMENT

(1)   Rejection of claims 1-16 over Nielsen and Leonard under 35 U.S.C. 103(a).

The rejection under 35 U.S.C. 103(a) is defective because the references of Nielsen and Leonard, taken alone or in combination, fail to disclose each and every feature of the claims.

Regarding independent claim 1, as admitted by the Examiner, Nielsen fails to disclose, *inter alia*, "wherein the cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the e-mail, and is configured to not delete the e-mail when any of said recipients has read said e-mail." Applicants agree and submit that, in Nielsen, an email is deleted on a recipient-by-recipient basis, irrespective of the reading actions of other recipients. That is, in Nielsen, an email sent to a first recipient can be deleted even if another recipient has

already read the same email. In the present invention, however, deletion of a previously sent email is an all or nothing process, in which the previously sent email is deleted only if none of the recipients has read the email.

In order to remedy the glaring deficiencies of Nielson, the Examiner relies on the disclosure of Leonard. In particular, the Examiner alleges that Leonard "discloses as his invention an electronic mail system and method in which the originator or sender may control the lifespan of the message, so that the message, and all copies of the messages everywhere in the world, disappear at an appropriate time." The Examiner further alleges that "Leonard discloses the added feature of the process wherein the cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the email, and is configured to not delete the e-mail when any of said recipients has read said email." Applicants disagree with the Examiner's analysis and conclusion with regard to Leonard.

Contrary to the claimed invention, Leonard is completely unconcerned with the read status of an email when deleting emails, and clearly does not disclose an MTA that is configured to "cancel the e-mail sent to the recipients only when none of the recipients has read the e-mail, and is configured to not delete the e-mail when any of said recipients has read said e-mail" as required in independent claims 1 and 4 of the present invention. Indeed, Leonard discloses that an originator of an e-mail can delete a previously sent email **completely independently of the actions** (e.g., reading, forwarding, copying, etc.) taken by any of the recipients of the e-mail, the number and type of handling incidents that have impacted the e-mail, and the number and types of computers/software that have interacted with the e-mail. See, e.g., Leonard, Abstract,

column 9, lines 52-61. Further, although Leonard discloses a separate "oops" button (FIG. 4) for immediately cancelling an e-mail message, such cancellation is performed irrespective of the read status of the email message.

The Examiner appears to equate Leonard's alleged ability to track the messages of "individuals and groups of recipients" to whom an e-mail has been sent with the above-referenced feature of the present invention (see, e.g., Final Office Action, page 4, second paragraph). This is incorrect. Although Leonard may be able to track the status of e-mails, Leonard fails to provide any disclosure regarding the selective cancelation of an e-mail "only when none of the recipients has read the email." As stated above, Leonard has complete control of an e-mail and can delete a previously sent email **completely independently of the actions** (e.g., reading, forwarding, copying, etc.) taken by any of the recipients of the e-mail.

Accordingly, Appellants submit that all pending claims are allowable because Nielsen and Leonard, taken alone or in combination, fail to disclose or suggest each and every feature of the claims as required by 35 U.S.C. 103(a).

Respectfully submitted,

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CLAIMS APPENDIX

1.   System for enabling the cancellation of a previously-sent e-mail, comprising a data transmission network, wherein a plurality of users are connected to said network, each of said users being able as a sender to send an e-mail over said network to a plurality of users as recipients connected to said network, and wherein a message transfer agent (MTA) is associated with each of said users for sending the e-mail when said user acts as a sender and delivering the e-mail when said user acts as a recipient,

        wherein each MTA includes a cancel mailbox for transmitting a cancellation message to said recipients when the user associated with said MTA is a sender wanting to cancel a previously-sent e-mail or for managing the cancellation of e-mails in the mailbox of the user associated with said MTA upon receiving said cancellation message from said sender when this user is a recipient,

        wherein the cancel mailbox of each MTA is configured to cancel the e-mail sent to the recipients only when none of the recipients has read the e-mail, and is configured to not delete the e-mail when any of said recipients has read said e-mail.

2.   System according to claim 1, wherein there is at least an intermediate MTA between the MTA associated with said sender and said MTA associated with said recipients, said intermediate MTA including a cancel mailbox in charge of transmitting a cancellation message to said MTAs associated to said recipients upon receiving said cancellation message from said MTA associated with said sender.

3.   System according to claim 1, wherein the cancel mailbox in each said MTA is associated with a cancellation agent for managing the cancellation of said e-mail, said cancellation agent building a delete process table giving a status of said e-mail during the cancellation process managed by said cancellation agent.

4.   Process for canceling a previously-sent e-mail in a system comprising a data transmission network, wherein a plurality of users are connected to said network, each of said users being able as a sender to forward an e-mail over said network to a plurality of users as a recipients connected to said network, and wherein a message transfer agent (MTA) is associated with each of said users for sending the e-mail when said user acts as a sender and delivering the e-mail when said user acts as a recipient;

said process comprising:

a) sending from said sender a message for deleting said e-mail to a cancel mailbox included in said sender MTA,

b) sending from said cancel mailbox included in the sender MTA a message to a cancel mailbox included in each MTA respectively associated with the recipients being addressed in said e-mail in order to inform the recipients that said e-mail has to be deleted if it is not yet read,

c) sending from said cancel mailboxes of said MTAs respectively associated with said recipients a message requesting that said e-mail has to be masked only if it has not yet been read, and

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d) deleting said masked e-mail only when none of said recipients has read said e-mail, and not deleting the masked e-mail when any of said recipients has read said e-mail.

5.   Process according to claim 4, wherein a cancel mailbox of a MTA associated with each recipient sends back an acknowledgement message of a first type if said recipient has not yet read said e-mail.

6.   Process according to claim 5, wherein the cancel mailbox of the MTA associated with several recipients sends back a first type message to said sender MTA if none of these recipients has already read said e-mail.

7.   Process according to claim 6, wherein said step d) comprises sending from the cancel mailbox of said sender MTA a message to the cancel mailboxes of the MTAs associated with all the recipients addressed in said e-mail requesting each cancel mailbox to delete said e-mail.

8.   Process according to claim 7, wherein said step d) further comprises the step of sending a message from said cancel mailboxes of the MTAs associated with all recipients to the recipient mailboxes in order to delete said e-mail.

9.   Process according to claim 7, wherein the cancel mailbox of said sender MTA sends a first type acknowledgment message to the mailbox of said sender to confirm that said e-mail has been deleted.

10.   Process according to claim 4, wherein a cancel mailbox of a MTA associated with a recipient sends back an acknowledgment message of a second type if said recipient has already read said e-mail.

11.   Process according to claim 10, wherein the cancel mailbox of the MTA associated with several recipients sends back a second type message to said sender MTA if at least one of these recipients has already read said e-mail.

12.   Process according to claim 11, wherein said step d) comprises sending from the cancel mailbox of said sender MTA a message to the cancel mailboxes of the MTAs associated with the recipients who have not yet read said e-mail requesting not to delete said e-mail.

13.   Process according to claim 12, wherein said step d) further comprises the step of sending a message from said cancel mailboxes of the MTAs associated with the recipients who have not yet read said e-mail to the mailboxes of said recipients in order not to delete said e-mail.

14.   Process according to claim 12, wherein the cancel mailbox of said sender MTA sends a second type acknowledgment message to the mailbox of said sender to confirm that said e-mail has not been deleted.

15.   Process according to claim 4, wherein there is at least one intermediate MTA between said sender MTA and the MTAs associated with said recipients, said intermediate MTA being adapted to repeat any message received from the cancel mailbox of the sender MTA or from the cancel mailbox of any other MTA.

16.   Process according to claim 15, wherein at least one of said recipients is addressed by an alias, the cancel mailbox of the MTA receiving said alias being adapted to send a request to an associated domain name server (DNS) in order to obtain the address corresponding to said alias.

EVIDENCE APPENDIX

No evidence has been submitted.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

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